

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 99-325 (HL)

JOSE GILBERTO SERRANO GOYCO,

Defendant.

MOTION IN COMPLIANCE WITH ORDER

**TO THE HONORABLE FRANCISCO A. BESOSA
US DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

NOW COMES defendant **JOSE GILBERTO SERRANO GOYCO** thorough the undersigned attorney and respectfully states and prays as follows:

1. By order of this Court dated February 13, 2008 [Docket 103] , the undersigned , who represented Mr. Serrano in the original criminal proceedings, was instructed by this court to respond to Mr. Serrano's request for early termination of his supervised release. In compliance with said order, and supplementing Mr. Serrano's original request, counsel submits as follows:

A. Of the original four (4) years of supervised release imposed, Mr. Serrano has already served one year in full compliance with the conditions imposed. He has maintained employment, has filed the required reports, and has abided by all the rest of the conditions imposed. Mr. Serrano has requested early termination of his supervised release mainly due to the fact he has not been able to obtain a job in the area of administration which is the area in which he holds a Master Degree and has accumulated over ten years of experience prior to his arrest for the instant offense. As soon as a prospective employer in said area is informed of the fact that

Mr. Serrano is under supervised release, said employer refuses to hire Mr. Serrano for he is seen as an ex convict not suitable for such employment. As a result, the only jobs Mr. Serrano has been able to obtain are temporary jobs in the construction and restaurant business. The instability of employment is precisely a direct consequence of the supervise release and is the main reason why Mr. Serrano seeks its early termination.

B. The difficulty in obtaining a suitable employment has also been identified as a main obstacle in Mr. Serrano's career goals. As indicated in his letter, annexed hereto as Exhibit 1, Mr. Jason D. Chestnut, who was Mr. Serrano's mental health counselor from February 21, 2007, through September 5, 2007, the early termination of Mr. Serrano's supervised release will remove an obstacle that remains in the way of his career goals. Mr. Chestnut expressly states in his letter his support for Mr. Serrano's early termination of supervised release.

C. Although the Probation Office from the District of Puerto Rico has filed a motion expressing objection to Mr. Serrano's request, said objections are mostly based on the fact that on December 1, 2006, the conditions of supervised release were modified to include mental health treatment since during the supervision Mr. Serrano has been suffering g from anxiety. Mr. Chestnut's letter, however, clearly indicates that Mr. Serrano completed the treatment and benefited from the counseling he received. As expressed in his letter, Mr. Chestnut enthusiastically supports Mr. Serrano's request for early termination of supervised release.

D. Moreover, Mr. Serrano has indicated to the undersigned that Mr. Julio Dominguez, the Probation Officer in charge of supervising him at the Middle District of Florida, has indicated to Mr. Serrano that he supports Mr. Serrano's request for early termination of supervised release and that he was awaiting for an order from the court to state its position in writing. Mr. Dominguez, however, was never notified and therefore the court has not benefited from his

insights concerning Mr. Serrano's requests. Since Mr. Dominguez, who probably is the person in the best position to inform the court as to Mr. Serrano's compliance with the supervised release conditions and to make an informed recommendation to the court regarding Mr. Serrano's request for early termination, has not expressed his opinion to the court, counsel hereby requests that an order be issued ordering Mr. Dominguez to advise the court as to his position regarding Mr. Serrano's request. Should the court is amenable to issue such an order, counsel will take the necessary steps to notify Mr. Dominguez with a copy of such order.

WHEREFORE for the foregoing reasons, Mr. Serrano respectfully requests that his request for early termination of supervise release be granted or that, in the alternative, his request be held in abeyance pending receipt by the court of Probation Officer Julio Dominguez's , from the Middle District of Florida, position in writing.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 29th day of February, 2008.

S/Ramón M. González
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such filing to the following: United States Attorney's Offiuce, 1201 Torre Chardon, 350 Carlos Chardon Street, Hato Rey, Puerto Rico 00918.

S/Ramón M. González
 Ramón M. González